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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Thomas Clinkenbeard,
10
11 Petitioner,

No. CV-15-01538-PHX-JAT

ORDER

11 v.
12 Charles L Ryan, and Unknown Macadori,
13 Respondents.
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15 Pending before the Court is Petitioner's Petition for Writ of Habeas Corpus
16 ("Petition"). The Magistrate Judge issued a Report and Recommendation ("R&R") (Doc.
17 25) recommending that the Petition be denied.

18 Neither party has filed objections to the R&R. Accordingly, the Court hereby
19 accepts the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district
20 courts are not required to conduct "any review at all . . . of any issue that is not the
21 subject of an objection" (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114,
22 1121 (9th Cir. 2003) (*en banc*) ("statute makes it clear that the district judge must review
23 the magistrate judge's findings and recommendations de novo if objection is made, but
24 not otherwise" (emphasis in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d
25 1219, 1226 (D. Ariz. 2003).

26 Based on the foregoing,

27 **IT IS ORDERED** that the Magistrate Judge's Report and Recommendation (Doc.
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25) is **ACCEPTED**; accordingly,

- Petitioner's Petition for Writ of Habeas Corpus is denied and dismissed with prejudice,
- in the event Petitioner files an appeal, issuance of a certificate of appealability is denied for the reasons stated in the R&R, and
- the Clerk of the Court shall enter judgment of dismissal with prejudice.

Dated this 19th day of October, 2016.



James A. Teilborg
Senior United States District Judge